



U.S. Department of Justice

*United States Attorney
Southern District of New York*

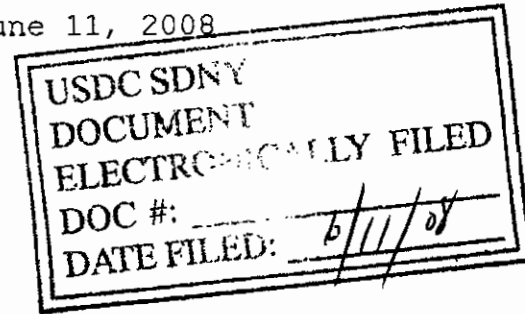
MAILED TO COUNSEL 6/11

86 Chambers Street, 3rd Floor
New York, New York 10007

June 11, 2008

BY FACSIMILE

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007



Re: United States v. RCPI Trust, 99 Civ. 1042 (LAP)

Dear Judge Preska:

On behalf of the parties in the above-referenced action, I am writing respectfully in response to an inquiry from Your Honor's chambers regarding the status of the above-referenced matter. In brief, there are no outstanding disputes between the parties in this litigation, but the Court has retained jurisdiction over this matter for purposes, if necessary, of enforcing or modifying the consent decree that effectively resolved this lawsuit.

This action was brought by the United States pursuant to Title III of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12181-89, and resolved by a Consent Decree entered on February 11, 1999. The Consent Decree was designed to bring Radio City Music Hall into compliance with the ADA.

Pursuant to the Consent Decree, the Court retained jurisdiction of this action to enforce or modify the Consent Decree's terms. Consent Decree at ¶ 12. Further, the Consent Decree requires that the Court approve any modification of its terms. Consent Decree at ¶ 10.

In that regard, in September 2005, the parties agreed to a modification of the Consent Decree, and on September 19, 2005, the Court approved a Stipulation and Order Amending the Consent Decree (the "Stipulation"). The Stipulation provided for (1) a revised seating plan that reallocated the number of wheelchair accessible and companion seats in Radio City Music Hall's

orchestra section and (2) a revised ticket sale plan that reflected the revised seating plan.

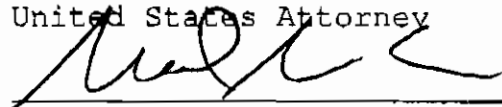
At present, the parties have no reason to believe there will be any further litigation before Your Honor in this matter. In sum, this case is no longer an active litigation.

Thank you for your consideration of this matter.¹

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


NEIL M. CORWIN
Assistant United States Attorney
Tel. No.: (212) 637-2707

cc: Howard Robbins, Esq. (by facsimile)

As noted above, the Court has retained jurisdiction of the matter.

The Clerk of the Court Shall
mark this action closed and all
pending motions denied as moot.

SO ORDERED:


LORETTA A. PRESKA, U.S.D.J.

June 11, 2008

¹ In reviewing the docket sheet for this matter, I learned that, in March 2008, the Court had ordered that the parties provide a status report regarding this case. I apologize for not having done so; apparently, the Court's order did not reach this Office because I had failed to file a Notice of Appearance when I replaced Deborah Yeoh, the Assistant United States Attorney who had previously handled the case and who has since left the Office. I greatly regret any inconvenience to the Court and am filing the requisite Notice of Appearance today to avoid any confusion in the future.